The Nature Conservancy
Protecting nature. Preserving life.™

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Mr. Philip Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
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January 27, 2011

Re: Scoping Comments to the Delta Stewardship Council in Response to the Notice of Preparation for the Completion of an EIR on the Delta Plan

Dear Mr. Isenberg and members of the Delta Stewardship Council,

Thank you for the opportunity to provide scoping comments on the Council's Notice of Preparation for a Delta Plan EIR. The Nature Conservancy's principal objective in the Delta is recovery of key species and habitats while improving water supply reliability for the state and recognizing the Delta as a unique community. Our objectives are consistent with the fundamental purpose of the Delta Plan to meet the coequal goals as defined in Water Code section 85054 and all inherent subgoals and policy objectives defined by statute.

Based on our experience as a landowner in the Delta and our conservation and policy work throughout California, we believe that it is possible to achieve the coequal goals while protecting and enhancing the Delta's cultural, recreational, natural resource and agricultural values. Ultimately, restoration of the Delta's ecosystem must be based on a conservation strategy that uses the best available science to promote recovery of the Delta ecosystem. We believe that a reliable water supply for California will not be achieved until the Delta ecosystem is on a path to recovery.

In pursuit of this strategy, the Nature Conservancy has been working with federal, state and local governments, other non-governmental organizations and local partners to help set the Delta on a course toward recovery. The Conservancy also has recently completed an analysis of the Delta using our *Conservation by Design* process. This document summarizes the conservation priorities and strategies that guide the Conservancy's work in the region to achieve a healthy, sustainable system that meets the needs of both people and nature.

Restoring the Delta ecosystem requires several significant actions, including:

- Providing for more natural flow patterns through the Delta. We believe that success in this regard should not be measured simply by reducing average annual deliveries. The focus here should be on meeting the flow needs of key species and ecosystems through various mechanisms, such as reducing diversions in below normal and drier years and developing new conveyance facilities that do not move water in the open channels of the interior Delta.

- Consulting the State Water Board's and Department of Fish and Game's Delta flow criteria reports to help assess the inflow and outflow needs of Delta resident fish species and migratory species dependent on the Delta for a portion of their life stages, with the understanding that upstream flow needs, such as temperature conditions for salmon on the Sacramento River, need to be addressed in developing system-wide flow standards
- Reconnecting the land and the water in the Delta and Suisun Marsh; tidal habitat restoration, reconnection of flood plains, and restoration of riparian habitat, vernal pools, nontidal marshes and grassland communities.

  Specific restoration targets include:
  - ✓ Up to 65,000 acres of tidal habitat (freshwater and brackish tidal marshes)
  - ✓ Up to 5,000 acres of riparian habitat (where land and water meet through floodplain and tidal action)
  - ✓ Up to 400 acres of nontidal marsh (restore marsh lands not exposed to tidal influence)
  - ✓ 20 miles of channel margin (modification of riverbanks to create fish and wildlife habitat through removal of riprap and planting of vegetation)
  - ✓ Up to 10,000 acres of new floodplain
  - ✓ Seasonal modification of the Yolo Bypass to improve the timing, frequency and duration of inundation
  - ✓ Up to 500 acres of vernal pool complex restored and protected
  - ✓ Up to 10,000 acres of grassland restored and protected
  - ✓ Up to 400 acres of alkali seasonal wetland complex (in conjunction with adjoining grassland and vernal pool habitats)
  - ✓ Up to 33,000 acres of agricultural lands managed for optimal covered species habitat uses

- Restoration projects in the Delta and upstream areas should be implemented in a manner that encourages the involvement of landowners. A balance should be sought to protect present terrestrial habitat that is agriculture dependent while implementing aquatic habitat restoration projects. In addition, to the extent possible, implementation of habitat restoration should contribute to the implementation of the Central Valley Joint Venture to protect, restore and enhance wetlands for waterfowl as well as other wetland dependent species.

We recognize the continuing evolution of the Delta as a landscape with rich agricultural soils and culture, valuable aquatic and terrestrial habitat, in addition to being an important transit point for water delivered to other areas of the state. We believe that these unique features can be preserved and even enhanced in the continuing transformation of the Delta. These diverse uses are illustrated by three specific examples:

1. On Staten Island we practice what we call a "working landscape." We employ 12 full-time employees throughout the year and up to 40 seasonal employees through the growing season. We use habitat friendly agricultural practices to grow corn and other crops throughout the growing season, then in the fall and winter, we manage the lands to provide terrestrial and aquatic habitat to grow and harbor Sandhill cranes, geese, ducks, shorebirds and other migratory waterfowl. We believe that other Delta agricultural interests can provide benefit to wildlife, recreation and tourism by employing the same type of habitat friendly agricultural practices.
2. McCormack Williamson Tract north of Staten Island has levees constrained in height by legal agreement and has flooded in high water events. The property typically floods by overtopping at the northeast end during large flood events and then breaches downstream in an uncontrolled fashion. This causes stress and failures of local levees and local marina moorings. The Nature Conservancy is working with the US Army Corps of Engineers and the California Department of Water Resources (DWR) to restore the Tract to tidal and intertidal wetlands in a manner that allows flood flows to pass through McCormack Williamson, minimizing flood impacts to adjacent properties. In addition to the flood benefits, this project will also provide aquatic and terrestrial habitat benefits.
3. The Nature Conservancy, the Environmental Defense Fund, DWR, Metropolitan Water District of Southern California, the US Geological Survey and other partners are working on developing protocols for the establishment of carbon sequestration markets using the Delta's native tule vegetation. Development of a carbon sequestration market using portions of the Delta as a base for market activities will provide Delta farmers with a means for not only eliminating peat soil subsidence, but also for accreting the soil while generating a revenue. If successful, we envision this kind of an activity as a win for Delta farmers, a win in addressing climate change, and a win for the terrestrial and aquatic habitats of the Delta.

Our conservation experience throughout the world demonstrates that meeting the needs of nature and people go hand in hand. A reliable water supply for California is dependent on a healthy Delta ecosystem, which requires improved flow conditions and the restoration of aquatic and terrestrial habitat. We look forward to working with the Delta Stewardship Council and Delta stakeholders in successfully addressing these elements during the development and implementation of the Delta Plan.

Sincerely,

Leo Winternitz

Leo Winternitz
Delta Project Director